

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DENNIS BRUCE ALLUMS,  
Plaintiff,  
v.  
FEDERAL BUREAU OF  
INVESTIGATION, et al.,  
Defendants.

Case No. [22-cv-00863-JSC](#)

**ORDER REGARDING MOTION FOR  
EXTENSION OF TIME TO SERVE  
DEFENDANTS**

Re: Dkt. Nos. 12, 13

Plaintiff filed this lawsuit on February 10, 2022. (Dkt. No. 1.) Plaintiff, who is proceeding without the assistance of a lawyer, also filed a motion for leave to proceed in forma pauperis—that is, he requested to proceed without being required to prepay the full amount of fees, costs, or give security. (Dkt. No. 2.) The Court granted that motion on February 11, 2022. (Dkt. No. 5.) However, on February 14, 2022, Plaintiff paid the \$402.00 filing fee. (Dkt. No. 7.) In May 2022, Plaintiff requested an extension of time to serve Defendants. (Dkt. No. 9.) The Court granted that motion and extended the deadline until August 15, 2022. (Dkt. No. 10.) The Court warned Plaintiff that “the Court is unlikely grant any further extensions” and encouraged Plaintiff to seek assistance from the Legal Help Center, a free service of the Volunteer Legal Services Program. (*Id.*) Plaintiff has not yet served Defendants.

Plaintiff now requests another extension of time to serve Defendants. (Dkt. No. 12, 13.) In the alternative Plaintiff states that “if the judge still wishes to deny my request for extension of time to serve the plaintiff request[s] a refund/credit so that his funds are not wasted for a case that never actually got started.” (Dkt. No. 13 at 3.) The Court interprets Plaintiff’s alternative request as a request to voluntarily dismiss the case without prejudice.

As indicated in the Court’s previous order, Plaintiff’s request for a second 90-day

1 extension is DENIED. Plaintiff's alternative request for voluntarily dismissal without prejudice is  
2 GRANTED. The complaint is dismissed without prejudice. In addition, the Court orders that  
3 Plaintiff's \$402.00 filing fee should be refunded because the Court granted Plaintiff's motion to  
4 file in forma pauperis prior to the fee payment. The Clerk of the Court shall close this case.

5 **IT IS SO ORDERED.**

6 This Order disposes of Dkt. Nos. 12, 13.

7 Dated: August 25, 2022

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10 JACQUELINE SCOTT CORLEY  
11 United States District Judge  
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United States District Court  
Northern District of California